WP(C) 1785/2000

BEFORE

THE HON'BLE MR JUSTICE I A ANSARI

Heard Mr. N. Dutta, learned Senior counsel, assisted by Mr. D.K. Das, learned co unsel for the petitioner, and Ms.VL Sinha, learned Govt. Advocate, appearing on behalf of the respondent No.1. Also heard Ms. A. Devi, learned counsel, for the respondent No.3.

The petitioner herein, namely, M/s. Donplast Industry, was allotted a sh ed on the Industrial Estate Complex, at Rani, for setting up a Small Scale Indus trial Unit. For the purpose of establishing its Unit, the petitioner availed fin ancial loan from concerned branch of the State Bank of India. For its inability to repay the loan, the Bank has started recovery proceeding. As the industrial u nit of the writ petitioner could not be run, the Managing Director of the respon dent No.3 Corporation issued a show-cause notice, dated 10.05.2000, to the writ petitioner directing the latter to show cause as to why the allotment of the sai d shed be not allowed. On the ground that despite receiving notice, the writ pet itioner had not been able to show any cause as to why the allotment of the shed shall not be cancelled, the respondent No.3 issued a letter, dated 10.04.2002, c ancelling the allotment order and took over, vide its letter, dated 31.08.2002, the shed with all the materials lying there. After having taken over the possess ion of the said industrial unit of the writ petitioner, respondent No.3 has alre ady allotted the said shed to another industrial unit, namely, M/s. BKBL Private Ltd, on 01.09.2003.

By making this writ application, the writ petitioner has submitted to th e effect, inter alia, that as the respondent Nos.1 and 2 had not complied with t heir part of the agreement and had failed to provide electricity to the shed of the writ petitioner, the writ petitioner's unit had to be closed down and, in su ch circumstances, the respondents shall be restrained from taking over the shed of the writ petitioner and also from recovering the dues of the writ petitioner.

During the course of the hearing, it transpires that the writ petitioner has already instituted a suit for compensation with similar grievances as in th e present case.

In the above view of the matter, this writ petiton, as sought for, on be half of the writ petitioner, is hereby closed with liberty granted to the writ p etitioner to approach this Court for such relief(s), in future, as the writ peti tioner may be entitled to.

With the above observations and directions, this writ petition shall sta nd disposed of.